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REMARKS

Responsive to the Office Action mailed February 21, 2006, Applicants provide the following. Claims 1, 3, 12, 16 and 18 have been amended. Claims 2, 15 and 17 have been canceled, with the limitations of claims 2, 15 and 17 being substantially amended into claims 1, 12 and 16, respectively, and claim 20 was previously canceled. Seventeen (17) claims remain pending in the application: Claims 1, 3-14, 16, 18, 19 and 21. Reconsideration of claims 1, 3-14, 16, 18, 19 and 21 in view of the amendments above and remarks below is respectfully requested.

By way of this amendment, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Claim Rejections - 35 U.S.C. §103

1.   Claims 1, 2, 4, 5-8, 16, 17, 19 and 21 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent Publication No. 2004/0236843 (Wing et al.) in view of U.S. Patent No. 6,701,441 (Balasubramaniam et al.).

Applicants have amended claims 1, 12 and 16, and Applicants respectfully submits that the applied references fail to teach, individually or in combination, at least each element of the amended claims 1, 12 and 16.

More specifically, independent claim 1, for example, was amended to substantially incorporate the limitations of claim 2 and recites in part, "wherein the receiving the plurality of scripts includes receiving within the diagnostic controller at least one web page having the plurality of scripts". Support for this amendment is provided throughout the application as filed, for example, at least in claim 2 as filed, the Abstract stating "a remote diagnostic controller coupled with the distributed network [that] implements the scripts to forward instructions" and at least FIGS. 2-6 and the corresponding discussions on pages 6-12. Further, for example, regarding the description of at least FIG. 2 the specification states "The diagnostic controller 172 implements the scripts 170 forwarded in the web pages 166" (page 7, lines 18-19), and the discussion of FIG. 6 recites "The diagnostic controller 172 extracts, decrypts and implements the

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script to query the device and/or instruct the device to perform specific operations" (page 12, lines 15-18). Therefore, the application as filed provides support for the amendments and no new matter has been added by these amendments.

The pending office action suggests in rejecting claim 2 that Wing et al. may be combined with Balasubramaniam et al. to teach that the diagnostic client application in Wing et al. can be improved by receiving web pages. However, the diagnostic system in Wing et al. is specifically designed to keep the communication interface separate from the diagnostic client application "allow[ing] the client application 400 to be implemented as a relatively small program that requires relatively few of the client computer's 108 system resources to operate" (Wing et al. para. 0078).

Instead Wing et al. teaches away from allowing the client application 400, which the office action equates to the claimed diagnostic controller 172, to process communications such as web pages because Wing et al requires the Internet browser to be kept separate from the diagnostic client application (see at least Wing et al., para. 0078). Specifically, Wing et al. recites:

> This arrangement allows the client application 400 to be implemented as a relatively small program that requires relatively few of the client computer's 108 system resources to operate ... This is advantageous, as programs integrated with a communications interface 404, such as an Internet browser, that are capable of detailed interaction with the operational aspects of the client computer 108 typically consume a relatively large amount of system resources" (Wing et al., para. 0078), where "there is generally no direct line of communication between the client application 400 and the communication interface [i.e., the Internet browser]" (Wing et al., para. 0077).

Wing et al. does not suggest and instead teaches away from the client application 400 receiving web pages, nor would it be obvious to one skilled in the art, to incorporate Balasubramaniam's web page script functionality into the diagnostic client application taught by Wing et al. as this goes against the intended teaching and implementation of Wing et al. One skilled in the art would not alter the diagnostic client application of Wing et al. to include the Internet browser as this goes against the teachings of Wing et al. Thus, all of the limitations of amended claim 1 are not taught by the applied references, and therefore, a *prima facie* case of obviousness has not been established.

Similarly independent claim 12 has been amended to recite in part "wherein the script generator is configured to incorporate the at least one script within a web page, and the web page is forwarded over the distributed network to a diagnostic controller". Additionally, independent claim 16 has been amended to recite in part "wherein the means for receiving the plurality of scripts includes means for receiving at the diagnostic controller at least one web page having the plurality of scripts". As discussed above, Wing et al. does not teach at least the element of receiving web pages within a diagnostic controller, and instead teaches away from such an implementation. Therefore, at least amended independent claims 12 and 16 are also not obvious over Wing et al. in view of Balasubramaniam et al., and are placed in condition for allowance.

Furthermore, dependent claims 3-11, and 21 which depend from amended claim 1, dependent claims 13 and 14 which depend from amended claim 12, and dependent claims 18 and 19 which depend from claim 16 are also not obvious over the applied references at least due to their dependence on amended claims 1, 12 and 16.

2.   Claims 3 and 18 stand rejected under 35 U.S.C. § 103(a), as being unpatentable Wing et al. and Balasubramaniam et al. in further view of U.S. Patent No. 6,880,083 (Korn). Applicants have amended claim 3 to depend from claim 1, and claim 18 to depend from claim 16. As discussed above, the applied combination of Wing et al. and Balasubramaniam et al. fails to teach at least each limitation of the amended claims 1 and 16, and the Korn patent also fails to teach at least the "receiving within the diagnostic controller at least one web page having the plurality of scripts" as recited in claim 1 and similarly recited in claim 16.

Furthermore, one skilled in the art would not combine the decryption capability in Korn with the diagnostic client application 400 of Wing et al. As stated above, Wing et al. specifically describes keeping "the client application 400 to be implemented as a relatively small program that requires relatively few of the client computer's 108 system resources to operate" (Wing et al., para. 0078). Thus, Wing et al. teaches away from increasing the complexity of the client application and increasing use of computer's system resources to incorporate decryption system of Korn. Further, Wing et al. teaches away from allowing the diagnostic client

application to receive web pages, and instead specifically separates the communications interface 404 and the client application 400. Therefore, it would not be obvious for the diagnostic client application in Wing et al. to incorporate "decrypting at least a portion of the script" (claim 3) when "receiving the plurality of scripts includes receiving within the diagnostic controller at least one web page having the plurality of scripts" (claim 1). Wing et al. requires that the diagnostic client application be kept at a minimal size and that the Internet browser communication be kept separate from the client application (see at least Wing et al. para. 0078). Thus, the applied combination of Wing et al., Balasubramaniam et al. and Korn fail to establish a *prima facie* case of obviousness, and therefore, claims 3 and 18 are not obvious over the applied combination of references.

3. Claims 9-15 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Wing et al. and Balasubramaniam et al. in further view of U.S. Publication No. 2002/0165952 (Sewell). Applicants respectfully traverse these rejections. Claims 9-11 depend from amended claim 1. It has been demonstrated above that at least amended claim 1 is not obvious in light of the combination of the Wing and Balasubramaniam references in that at least Wing teaches away from the diagnostic client application receiving a web page. Similarly, one skilled in the art would not alter diagnostic client application of Wing et al. in view of Sewell. Therefore, the combination of Wing, Balasubramaniam and Sewell fail to establish a *prima facie* case of obviousness, and thus claims 9-11 are not obvious in light of the applied references.

Similarly, with regard to independent claim 12, Applicants have amended claim 12 to incorporate substantially the elements of claim 15. The combination of Wing, Balasubramaniam and Sewell fail to establish a *prima facie* case of obviousness, in that at least Wing et al. teaches away from the diagnostic client application receiving web pages. As discussed above, claims 13-14 are also not obvious in light of the applied references at least due to their dependence on amended claim 12.

4. The amendments to claims 1, 12 and 16 do not introduce new matter and do not necessitate additional searching or new grounds for rejection as the amendments

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substantially incorporate those limitations of canceled claims 2, 15 and 17. Therefore,
Applicants respectfully submit that the amendments should be entered and fully considered.
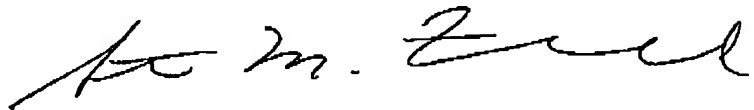
CONCLUSION

Applicants submit that the above amendments and remarks place the pending
claims in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested.

Respectfully submitted,

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